

Application No.: 10/015542

Docket No.: 64081-00005USPT

**REMARKS**

Reconsideration and allowance are respectfully requested in view of the foregoing amendments and the following remarks.

Claim 1 is pending in this application.

Claims 2-5 and 7-13 have been withdrawn.

Claims 5-6 and 14-25 have been canceled without prejudice.

**Regarding the Non-Responsive Amendment**

Applicant understands the Examiner's inadvertent inclusion of claims 6 and 8-9 as part of the Office Action rejection. Applicant understands that claims 6, 8 and 9 were withdrawn. Applicant appreciates the Examiner's indication that the former response was *bona fide* and is hereby providing an additional amendment wherein the Applicant is responding to the Office Action mailed 8/23/04 as if only claims 1 and 5 were rejected. Applicant also understands that Figures 1 and 2 are the elected figures.

**Regarding the § 102 Rejection**

Claim 1 was rejected under 35 USC § 102 as being anticipated by Gorsuch, Scott and Roberts. Applicant need only talk about claim 1 at this point in time because it is the only pending claim in the application.

Applicant points out that Gorsuch teaches a continuous peritoneal dialysis device having a first pump 22 which pumps the dialysate into the peritoneal space 70. It further has a second pump 23 which aids in pumping the dialysate out of the peritoneal space and through a regeneration cartridge 24 or into a drain bag 28. Applicant respectfully points out that Gorsuch

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does not teach or anticipate an additive pump that pumps dialysate regenerating additive into the dialysate at any point in the dialysate circuit through Gorsuch.

With respect to Scott, Applicant understands that Scott provides a device having a first pump 8 and a second pump 34. Scott requires two dialysis fluids. One dialysis fluid flows in and out of ports 14 and 18 into and out of the patient. A second dialysis fluid flows only in the dialysis device and remains exterior to the patient. In other words, Scott has two complete dialysate loops with two separate dialysate fluids (a first dialysate fluid which flows through the body cavity, and a second dialysate fluid 54). Scott does not teach or anticipate an additive pump section for pumping a dialysate regenerating additive into the first dialysate, which flows through the patient's peritoneal cavity. In fact, Scott teaches that "the specific composition of either the first or second dialysis fluid is not part of this invention since such compositions are well known and commercially available." Col. 7, lines 59-62. Scott does not teach or anticipate the use of a additive pump section for pumping a dialysate regenerating additive into the dialysate.

Finally, with respect to Roberts, Applicant understands that Roberts has various pumps 8a, 8b and 8c throughout its device. Although Roberts discusses adding additives to the dialysate fluid, it does not state whether they are added by a vacuum pressure of the flow within a lumen or whether they are added by a pump. As such, Applicant respectfully points out that there is no specific teaching in Roberts for an additive pump section for pumping a dialysate regenerating additive into the dialysate.

As such, since none of the cited art teaches, alludes to or anticipates the use for incorporation of an additive pump section that pumps a dialysate regenerating additive into the dialysate, then Applicant respectfully submits that claim 1 is not anticipated by the cited art. As

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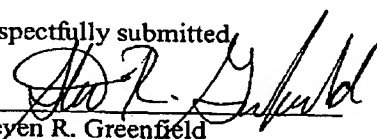
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such, Applicant respectfully requests that this § 102 rejection be withdrawn and submits that claim 1 is now ready for allowance.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

By   
Steven R. Greenfield

Registration No.: 38,166

JENKENS & GILCHRIST, A PROFESSIONAL  
CORPORATION

1445 Ross Avenue, Suite 3200

Dallas, Texas 75202

(214) 855-4500

Attorneys For Applicant